

**2680\_79\_011005**  
**STATE OF TENNESSEE**  
**DEPARTMENT OF HEALTH**

<b>IN THE MATTER OF:</b>	)	<b>BEFORE THE BOARD OF</b>
	)	<b>MASSAGE LICENSURE</b>
	)	
<b>Tamanie Dove</b>	)	<b>DOCKET NO. 17.49-061423A</b>
<b>Hendersonville, TN</b>	)	
	)	
	)	
<b>RESPONDENT</b>	)	

---

**AMENDED ORDER**

---

This matter came to be heard before the Tennessee Board of Massage Licensure on the 8th day of November, 2004, pursuant to a Notice of Charges and Memorandum of Assessment of Civil Penalty filed against the Respondent. Presiding at the hearing was the Honorable Todd Kelley Administrative Law Judge, assigned by the Secretary of State. The State was represented by Elisha Hodge, Assistant General Counsel. The Respondent was not present and was not represented by counsel. Counsel for the State made a motion pursuant to T.C.A. 4-5-309 to find the Respondent in default. In support of its motion, the State introduced evidence that a Notice of Charges had been served upon the Respondent, however, the Respondent failed to appear. Having considered the entire record in this matter, the Administrative Law Judge advised the Board that the service on the Respondent was legally sufficient. By majority vote, the Board granted the State's motion to hold the Respondent in DEFAULT and to conduct the proceeding without the participation of the Respondent. After consideration of the Notice of Charges, testimony of witnesses, argument of counsel, and the record as a whole, the Board finds as follows:

---

## **FINDINGS OF FACT**

---

1. The Respondent was first licensed in the State of Tennessee as a massage therapist on March 11, 1996, license number 79.
2. Respondent's Tennessee massage license expired on November 30, 2002.
3. On September 11, 2003, the Respondent was convicted in Sumner County of three (3) counts of identity theft, class D felonies.
4. On September 11, 2003, the Respondent was convicted in Sumner County of two (2) counts of Fraudulent Use of a Credit/Debit Card \$500-\$1,000, class E felonies.

---

## **CONCLUSIONS OF LAW**

---

The facts as found herein are sufficient to establish violation by Respondent, of the following provisions of the Tennessee Massage Therapy Practice Act, (Tenn. Code Ann. §§ 63-18-201, *et seq.*) and the Official Compilation of the Rules and Regulations of the State of Tennessee (TENN. COMP. R. & REGS. 0870-1-.01) for which disciplinary action before and by the Board of Massage Licensure is authorized:

4. Tenn. Code Ann. § 63-18-208. License required.

The license of a massage therapist may be denied, revoked, suspended, or annulled by the Board for any of the following, the licensee:

- (2) Has been convicted in a court of competent jurisdiction of an offense which constitutes a felony under the laws of this state.

---

## **REASONS FOR THE DECISION**

---

The policy for this action is to protect the general public and to police our profession to

make it the best we can make it.

**THEREFORE**, it is **ORDERED** as follows:

6. The Respondent's license to practice massage therapy in the State of Tennessee is hereby REVOKED.
7. Respondent shall CEASE and DESIST from the practice of massage therapy in the State of Tennessee.
8. Respondent shall pay Five Type A civil penalties in the amount of one thousand dollars (\$1,000.00) each per each conviction for a total of five thousand dollars (\$5,000.00), effective upon entry of this order.
9. Payment is to be made by certified check or money order payable to the Tennessee Massage Licensure Board. Mail payment to the attention of Lea Phelps, 3<sup>rd</sup> Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by the Tennessee Board of Massage Licensure.

---

Chairperson  
Tennessee Board of Massage Licensure

---

## **RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW**

---

Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. T.C.A. § 4-5-317.

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. T.C.A. § 4-5-316.

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. T.C.A. § 4-5-322.

PREPARED FOR ENTRY BY:

---

Elisha Hodge, (BPR # 23287)  
Assistant General Counsel  
Department of Health  
312 8<sup>th</sup> Avenue North  
26<sup>th</sup> Floor, Tennessee Tower  
Nashville, Tennessee 37243  
(615) 741-1611

**CERTIFICATE OF FILING**

This Order was received for filing in the Office of the Secretary of State, Administrative Procedures Division, and became effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Charles C. Sullivan, II, Director  
Administrative Procedures Division

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document as yet unsigned has been served upon the Respondent, Tamanie Dove, 105 Anna's Court, Hendersonville, Tennessee, 37075, by placing same in the United States mail, 1<sup>st</sup> class, with sufficient postage thereon to reach its destination, on the \_\_\_\_\_ day of \_\_\_\_\_, 2004 and a true and correct copy of this document as entered has been served upon the Respondent, Tamanie Dove, 105 Anna's Court, Hendersonville, Tennessee 37075, by placing same in the United States mail, certified, return receipt requested, with sufficient postage thereon to reach its destination.

This \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Elisha D. Hodge  
Assistant General Counsel